

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

U.S. Patent and Trademark Office  
Box Sequence, P.O. Box 2327  
Arlington, VA 22202

on ~~May~~ May 30, 2002

By Victoria A. MacArthur



Attorney Docket No. 0173.210US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wu et al.

Application No.: 10/020,540

Filed: October 30, 2001

For: STRAWBERRY VEIN BANDING  
VIRUS (SVBV) PROMOTER

Examiner: Unassigned

Art Unit: Unassigned

STATEMENT ACCOMPANYING  
SEQUENCE LISTING

U.S. Patent and Trademark Office  
Box Sequence, P.O. Box 2327  
Arlington, VA 22202

Sir:

The enclosed paper (written) and substitute CRF (diskette) copy of the Sequence Listing are provided in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("Notice to Comply") and the CRF Problem Report dated May 3, 2002 in the above referenced application. The CRF Problem Report indicated that the CRF diskette originally submitted January 14, 2002 was damaged. A copy of the Notice to Comply and the CRF Problem Report are provided herein.

The undersigned hereby states that the written Sequence Listing submitted concurrently herewith does not include matter which goes beyond the content of the application as filed and that the information recorded on the diskette submitted concurrently herewith is identical to the written Sequence Listing.

Applicants believe that no fee is required for submission of this substitute CRF copy of the Sequence Listing, since it is being submitted within the two-month deadline from the mailing date of the Notice to Comply. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 50-0990. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (650) 298-5884.

Respectfully submitted,

Maxygen, Inc.  
515 Galveston Drive  
Redwood City, CA 94063  
Customer No. 30560



Christopher M. Holman  
Reg. No. 40,021

Phone: (650) 298-5884 (direct)  
(650) 298-5300 (main)  
Fax: (650) 298-5446

## CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 10/020,540  
Filing Date: 10/30/2001  
Date Processed by STIC: 3/6/2002

STIC Contact: Mark Spencer, 703-308-4212

### Nature of Problem:

The CRF (was):

- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)  
☐ Blank (no files on CRF) (see attached)  
☐ Empty file (filename present, but no bytes in file) (see attached)  
☐ Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF  
☐ Not saved in ASCII text  
☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.  
☐ Did not contain a Sequence Listing. (see attached sample)  
☐ Other: \_\_\_\_\_

**PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.  
SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:  
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202  
Or  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002